

Message Text

SECRET

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E.O. 11652: XGDS-3

TAGS: PARM, US, UR

SUBJ: TTBT/PNE NEGOTIATIONS: LEGAL ARTICLES

ROUND VI - TTBT/PNE DELEGATION MESSAGE NO. 46

REF: STATE 31843

1. MEETING FEB 13 ON LEGAL ARTICLES LED TO RESULTS AND
SOVIET VIEWS (LAPTEV) AS BELOW.

2. US ARTICLE XII PARA ONE: USSR WISHES RETAIN WORDS
"EQUIPMENT AND" IN BRACKETS PENDING RESOLUTIONEQUIPMENT
QUESTIONS.

3. US ARTICLE XII PARA TWO:

(A) USSR FIRM ON RETAINING WORDS "PROFESSIONAL OR"
IN SUBPARA (B), POINTING OUT THAT SUCH IS FORMULATION IN
ARTICLE 31 OF VIENNA CONVENTION OF WHICH US IS PARTY. IN
LIGHT OF THIS PRECEDENT POSSIBLE AMBIGUITY ARGUMENT GOT
NOWHERE.

(B) USSR ALSO PREFERS DELETION PHRASE "OPERATED BY
DESIGNATED PERSONNEL AND" IN SUBPARA (B), ALTHOUGH IS
RECONSIDERING THIS POINT.

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(C) SUBPARA (D) REVISED (TEXT PARA 4 BELOW) BEING

CONSIDERED BY USSR, ALTHOUGH QUESTION OF HOW TO HANDLE
"EQUIPMENT" DEPENDENT ON RESOLUTION THOSE QUESTIONS.

4. TEXT OF REVISED PARA 2(D) OF US ARTICLE XII:

BEGIN TEXT.

(D) INVIOABILITY OF THEIR ARCHIVES, DOCUMENTS,
PERSONAL BAGGAGE AND EQUIPMENT AT ALL TIMES AND WHEREVER
THEY MAY BE, EXCEPT THAT:

(1) THE PERSONAL BAGGAGE OF DESIGNATED
PERSONNEL SHALL BE EXEMPT FROM INSPECTION, UNLESS THERE
ARE SERIOUS GROUNDS FOR PRESUMING THAT IT CONTAINS
ARTICLES NOT FOR THE OFFICIAL OR PERSONAL USE OF DESIG-
NATED PERSONNEL, OR ARTICLES THE IMPORT OR EXPORT OF
WHICH IS PROHIBITED BY THE LAW OR CONTROLLED BY THE
QUARANTINE REGULATIONS OF THE PARTY CARRYING OUT THE
EXPLOSION. SUCH INSPECTION SHALL BE CONDUCTED ONLY IN
THE PRESENCE OF DESIGNATED PERSONNEL OR THEIR AUTHORIZED
REPRESENTATIVES.

(2) EQUIPMENT OF DESIGNATED PERSONNEL
WITH WHICH TO IMPLEMENT THEIR RIGHTS AND FUNCTIONS
SHALL BE SUBJECT TO EXAMINATION BY THE PARTY CARRYING
OUT THE EXPLOSION IN ACCORDANCE WITH PARAGRAPHS 4 AND 6
OF ARTICLE VII OF THIS PROTOCOL.

END TEXT.

5. US ARTICLE XII PARA THREE:

(A) USSR PROPOSES: REPLACING "WHEN" IN LINE ONE
WITH "IN CASE"; ADDING "RIGHTS," BEFORE "PRIVILEGES"
IN LINE THREE; AND REPLACING "MUST" IN LINE FIVE WITH
"SHALL". FIRST TWO CHANGES ACCEPTED; THIRD LEFT TO BE
CONSIDERED.

(B) USSR DOES NOT AGREE TO ADD "ALSO" TO LINE
THREE. USSR PROPOSES ADDING REFERENCE TO NEED FOR
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THIRD PARTY TO AGREE TO PROVIDE PRIVILEGES AND IMMUNITIES
SPECIFIED IN PROTOCOL TO TREATY ARTICLE VII/(LAPTEV),
OR TREATY ARTICLE VII CROSS-REFERENCE TO THIS PARA OF
PROTOCOL (TIMERBAEV).

6. PLEASE ADVISE ASAP.
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